

### **REMARKS**

The specification stands objected to for having numerous informalities. Applicants respectfully request clarification of precisely what informalities need to be corrected and Applicants will correct them.

### **DOUBLE PATENTING REJECTIONS**

Claims 1-5 and 15 stand provisionally rejected under the judicially-created doctrine of obviousness type double patenting over various claims in co-pending, commonly-owned application Serial No, 09.837,609.

Applicants consider this rejection to be premature, Applicants will consider filing a terminal disclaimer when patentable subject matter is identified.

Claims 1-5 stand provisionally rejected under the judicially-created doctrine of obviousness type double patenting over various claims in co-pending, commonly-owned U.S. Patent No. 6,271,830 B1.

Applicants consider this rejection to be premature, Applicants will consider filing a terminal disclaimer when patentable subject matter is identified.

### **CLAIM OBJECTIONS**

Claims 1,3,5,and 13 stand objected to for various informalities.

Applicants are amending the claims to correct the informalities and thank the Examiner for bringing them to their attention.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1-17 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite.

Applicants are amending claim 1 to delete the variable "Y". Basis for the amendment is found for example page 6, line 6.

Applicants assert that one skilled in the organic and medicinal chemistry arts would readily ascertain the scope of claim 1 and clearly understand the meaning of the variables for  $R^{2'}$ ,  $R^{3'}$  and  $R^{5'}$ . In the example that the Examiner has given in the Official Action in paragraph 9, it is readily clear to one skilled in the art that  $R^{3'}$  could be H, and  $R^{5'}$  could be the same as  $R^2$ .

Applicants also assert that one skilled in the organic and medicinal chemistry arts and reading the definition and examples of "heterocyclic" provided in the specification, for example on page 21, line 28 to page 22, line 14 would readily understand that I and J could not both be carbon or the ring would not be a heterocyclic moiety.

Claims 3 and 4 stand rejected for lacking an action step and claim 5 stands rejected for lacking a conjunction.

Applicants are amending claims 3 and 4 to add the word "administering" and to add the word "and" to claim 5. Applicants thank the Examiner for bringing these informalities to their attention.

Claims 6 and 7 stand rejected for lacking antecedent basis in claim 6, and for use of abbreviations in claims 6 and 7.

Applicants are amending claim 4 to provide antecedent basis and are defining the abbreviations in claim 6.

Claims 13 and 14 stand rejected for being indefinite in the linkage of the moieties  $R^{5'}$ .

Applicants assert that one skilled in the organic and medicinal chemistry arts would readily understand that  $R^{5'}$  are "alkanoyl" or "acyl" groups that would bond to the oxygen atom in formula II to form an ester.

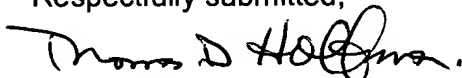
Claims 12 and 15 stand rejected for being indefinite or unclear or ambiguous. Applicants assert that one skilled in the art would readily understand that the "X" variable could be attached to the 2 or 3 carbon in the benzoyl moiety and that the two "X's" could be attached to the 2 or 3 carbon and the 4 or 5 carbon in the other benzoyl moiety.

Claim 15 stands rejected for use of the abbreviation HCV-RNA .

Applicants are amending claim 4 to specify that " hepatitis C viral" infection is a HCV infection. The abbreviation RNA needs no definition; it would be readily understood to one skilled in the organic and medicinal chemistry arts to which this application pertains. The amended claims sheets are attached.

If the undersigned attorney can be of any assistance in advancing prosecution, please contact him.

Respectfully submitted,



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Date: May 7, 2003